

## Message Text

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PAGE 01 STATE 188368 TOSEC 080255  
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FM SECSTATE WASHDC

TO USDEL SECRETARY IMMEDIATE

C O N F I D E N T I A L STATE 188368 TOSEC 080255

FOLLOWING TEL SENT ACTION SECSTATE INFO BONN, DAR ES SALAAM,  
GABORONEN, GEORGETOWN, LAGOS, LONDON, LUSAKA, MAPUTO, OTTAWA,  
PARIS, PRETORIA FROM USUN AUG 10:

QUOTE C O N F I D E N T I A L USUN 2545

GEORGETOWN FOR AMBASSADOR YOUNG

DEPT PLEASE PASS TO SEC VANCE

E.O. 11652: GDS

TAGS: PORG, US, UN, SF, WA

SUBJECT: NAMIBIA: SECOND DAY OF WESTERN FIVE TALKS WITH SWAPO -  
AFTERNOON SESSION

REF: USUN 2534

1. SUMMARY: FOURTH SESSION OF WESTERN  
FIVE TALKS WITH SWAPO TOOK PLACE PM AUGUST 9. DISCUSSIONS  
CENTERED AROUND TWO ITEMS: 1) RELATIONSHIP BETWEEN  
ADMINISTRATOR-GENERAL AND UN SPECIAL REPRESENTATIVE, AND  
2) CONCEPT OF PANEL OF JURISTS TO DECIDE DISPUTES AS TO  
WHO ARE POLITICAL PRISONERS. WITH REGARD TO FIRST ITEM,  
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SWAPO ACCEPTED PROPOSAL FOR A SPECIAL REPRESENTATIVE WHO  
WOULD HAVE EFFECTIVE VETO POWER OVER ADMINISTRATOR-  
GENERAL. SWAPO ALSO AGREED THAT, WHILE SPECIAL REPRES-  
ENTATIVE'S VETO POWER COULD FOR POLITICAL REASONS BE  
DESCRIBED IN TERMINOLOGY LESS OFFENSIVE TO SOUTH AFRICAN  
GOVERNMENT, SUCH VETO POWER WOULD HAVE TO BE RECOGNIZED  
BY ALL PARTIES CONCERNED. SWAPO FURTHER STATED THAT, GIVEN

SPECIAL REPRESENTATIVE'S VETO POWER, SWAPO WOULD WITHDRAW ITS OPPOSITION TO APPOINTMENT OF ADMINISTRATOR-GENERAL BY SOUTH AFRICANS. WITH REGARD TO PANEL OF JURISTS, SWAPO AGREED THAT MECHANISM IS NEEDED TO REVIEW CASES OF POLITICAL PRISONERS, BUT REJECTED CONCEPT OF INDEPENDENT PANEL OF JURISTS IN FAVOR OF PLACING THIS RESPONSIBILITY IN HANDS OF LEGAL SECTION OF SPECIAL REPRESENTATIVE'S STAFF. SECOND DAY OF TALKS BEGAN WITH SWAPO'S DISAVOWAL OF SEEMING AGREEMENTS OF FIRST DAY. (REFTEL) IT REMAINS TO BE SEEN WHETHER TOMORROW WILL BEGIN WITH DISAVOWAL OF SEEMING AGREEMENTS OF TODAY. END SUMMARY:

2. AFTERNOON SESSION OF SECOND DAY OF WESTERN FIVE TALKS WITH SWAPO TOOK PLACE AUGUST 9 FROM 1600 TO 1830. BECAUSE SWAPO HAD ASKED THAT FURTHER TALK ABOUT TROOP WITHDRAWALS BE DEFERRED UNTIL THE FIVE COULD PRESENT MORE SPECIFIC IDEAS ON SCOPE AND TIMING. DISCUSSIONS CENTERED AROUND TWO OTHER ITEMS: 1) RELATIONSHIP BETWEEN ADMINISTRATOR-GENERAL AND SPECIAL REPRESENTATIVE; AND 2) CONCEPT OF PANEL OF JURISTS.

3. WITH REGARD TO RELATIONSHIP BETWEEN ADMINISTRATOR-GENERAL AND SPECIAL REPRESENTATIVE, SWAPO EXPRESSED ITS NEED TO KNOW EXACT POWERS OF SPECIAL REPRESENTATIVE. SWAPO ASKED SPECIFICALLY WHAT THE FIVE MEANT BY THEIR STATEMENT THAT THE SPECIAL REPRESENTATIVE WOULD HAVE TO CONFIDENTIAL

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BE "SATISFIED" AS TO FAIRNESS OF POLITICAL PROCESS. THE FIVE RESPONDED THAT POWER OF THE SPECIAL REPRESENTATIVE, AS UNDERSTOOD BY THE FIVE AND BY SOUTH AFRICA, AMOUNTS TO AN EFFECTIVE VETO. HOWEVER, USE OF THE WORDS "VETO" OR "APPROVAL" IS FOR POLITICAL REASONS OFFENSIVE TO THE SOUTH AFRICAN GOVERNMENT; THEREFORE, THE FIVE HAVE DESCRIBED THE SPECIAL REPRESENTATIVE'S ROLE IN TERMS OF "SATISFACTION". THE CHANGE IN TERMINOLOGY DOES NOT RESULT IN CHANGE IN MEANING. SWAPO ACCEPTED CONCEPT OF A SPECIAL REPRESENTATIVE WHO WOULD HAVE EFFECTIVE VETO POWER OVER ADMINISTRATOR-GENERAL. SWAPO STRESSED THAT, WHILE THE SPECIAL REPRESENTATIVE'S VETO POWER COULD FOR POLITICAL REASONS BE DESCRIBED IN TERMINOLOGY LESS OFFENSIVE TO THE SOUTH AFRICAN GOVERNMENT, SUCH VETO POWER WOULD HAVE TO BE RECOGNIZED BY ALL PARTIES CONCERNED.

4. GIVEN SWAPO'S ACCEPTANCE OF SPECIAL REPRESENTATIVE WITH EFFECTIVE VETO POWER OVER ADMINISTRATOR-GENERAL, AMBASSADOR MCHENRY QUESTIONED WHETHER SUCH POWER DID NOT MAKE SWAPO'S STATED OPPOSITION TO A SOUTH AFRICAN ADMINISTRATOR-GENERAL IRRELEVANT. SWAPO AGREED THAT, GIVEN VETO POWER, THEY WOULD WITHDRAW THEIR OPPOSITION

TO APPOINTMENT OF ADMINISTRATOR-GENERAL BY SOUTH AFRICANS.

5. WITH REGARD TO CONCEPT OF PANEL OF JURISTS, SWAPO ACDEPTED THAT A MECHANISM WOULD BE NEEDED TO ESTABLISH STATUS OF PRISONERS AS POLITICAL OR CRIMINAL; HOWEVER, SWAPO COULD NOT ACCPET PANEL, AS SUCH. SWAPO SUGGESTED THAT LEGAL SECTION OF THE SPECIAL REPRESENTATIVE'S STAFF BE GIVEN RESPONSIBILITY OF DECIDING THESE CASES. SWAPO'S OPPOSITION TO PANEL IS BASED ON PRESENCE OF SOUTH AFRICANS ON PANEL AND ON PAST UNFORTUNATE EXPERIENCE WITH ANOTHER INDEPENDENT INTERNATIONAL PANEL, THE INTERNATIONAL COURT OF JUSTICE (WHICH IN 1966 DECLINED TO RULE ON MERITS OF CHARGES BROUGHT AGAINST SOUTH AFRICA  
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FOR ITS CONTINUED OCCUPATION OF SOUTH WEST AFRICA). AFTER STATED THEIR ARGUMENTS IN SUPPORT OF PANEL, FIVE AGREED TO CONSIDER PROPOSAL OF SWAPO.

6. COMMENT: DISCUSSIONS ON PARTICULAR POINTS HAVE BEEN EXTENSIVE AND AT TIMES DIFFICULT, BUT WE BELIEVE THEY HAVE BEEN USEFUL IN CLARIFYING FOR SWAPO THE BASIC APPROACH OF WESTERN FIVE, AS WELL AS PROPOSALS THAT HAVE EMERGED FROM OUR TALKS WITH SOUTH AFRICAN. IT IS TOO EARLY TO KNOW SWAPO'S FINAL ATTITUDE TOWARD ANY INDIVIDUAL ITEMS OR TO PACKAGE AS A WHOLE. MORNING SESSION TODAY (REFTTEL) BEGEN WITH SWAPO'S DISAVOWAL OF SEEMING AGREEMENTS OF YESTERDAY. IT REMAINS TO BE SEEN WHETHER TOMORROW WILL BEGIN WITH DISAVOWAL OF SEEMING AGREEMENTS OF TODAY. END COMMENT.  
LEONARD UNQUOTE CHRISTOPHER

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## Message Attributes

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